



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,083	04/30/2001	John Mantegna	06975-148001 / Processing	1607
26171	7590	05/25/2004	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			QURESHI, SHABANA	
			ART UNIT	PAPER NUMBER
			2155	8
DATE MAILED: 05/25/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/845,083	MANTEGNA ET AL.
	Examiner	Art Unit
	Shabana Qureshi	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 April 2001.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 30 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5-7</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 7/30/02 and 11/13/02 were received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-30 are rejected under 35 U.S.C. 102(b) as being anticipated by David Ward (EP 921, 666 A2).

In regards to claims 1, 11, and 21, Ward teaches a method for dynamic latency management in a real-time electronic communication comprising:

- measuring a communication delay arising from a receiving data buffer (page 4, lines 22-23);
- determining a latency adjustment necessary to adjust the size of the communication delay to within a predetermined range (page 4, lines 22-23);
- determining an optimal range for a size of the communication delay based on the measured communication delay (page 4, lines 22-23; page 4, lines 28-31); and

- modifying a number of samples of a playback data block passing through the receiving data buffer based on the measured communication delay and on the optimal range for the size of the communication delay (page 4, lines 25-26).

As per claims 2, 12, and 22, Ward teaches the method of claims 1, 11, and 21, wherein the number of samples is modified without introducing audible artifacts (page 6, lines 39-49).

As per claims 3, 13, and 23, Ward teaches the method of claims 1, 11, and 21, wherein measuring the communication delay comprises measuring an instantaneous communication delay associated with the receiving data buffer (page 6, lines 1-7).

As per claims 4, 14, and 24, Ward teaches the method of claims 3, 12, and 23, wherein measuring the communication delay comprises:

- measuring the instantaneous communication delay associated with the receiving data buffer two or more times (page 4, lines 43-46); and
- averaging the measurements (page 4, lines 45).

As per claims 5, 15, and 25, Ward teaches the method of claims 1, 11, and 21, wherein the real-time electronic communication includes an audio communication (page 4, lines 32-35).

As per claims 6, 16, and 26, Ward teaches the method of claims 1, 11, and 21, further comprising determining receiving data buffer delay upper and lower bounds (page 4, lines 6-9).

As per claims 7, 17, and 17, Ward teaches the method of claims 1, 11, and 21, wherein modifying the number of samples comprises performing heuristic resampling of a playback block (page 8, lines 16-29).

As per claims 8, 18, and 28, Ward teaches the method of claims 7, 17, and 27, wherein performing heuristic resampling comprises:

- analyzing multiple consecutive samples of audio data in the playback block (page 4, lines 13-26);
- identifying consecutive samples with minimal variation in a parameter of their data (page 7, lines 49-52); and
- adjusting the number of samples in the identified consecutive samples (page 4, lines 13-26).

As per claims 9, 19, and 29, Ward teaches the method of claims 8, 18, and 28, wherein adjusting the number of samples comprises removing a sample from the identified consecutive samples (page 5, lines 5-18).

As per claims 10, 20, and 30, Ward teaches the method of claims 8, 18, and 28, wherein adjusting the number of samples comprises adding a sample to the identified consecutive samples (page 5, lines 5-18).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (703) 308-6118. The examiner can normally be reached on Monday - Friday, 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shabana Qureshi
Examiner
Art Unit 2155

SQ
May 17, 2004

W. Alen
HOSAIN ALAM
PERVISOY PATENT EXAMINER